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## THE MANOR OF EAST GREENWICH IN THE COUNTY OF KENT

STUDENTS of the American colonial charters will remember that in the three charters of Virginia granted by James I. successively in 1606, 1609 and 1612, in the New England charter of 1620, in the Massachusetts Bay charter granted by Charles I. in 1629, and that to Sir Ferdinando Gorges for Maine in 1639, and in the grants of Charles II. for the Carolinas in 1663 and 1665, for Rhode Island and Providence Plantations in 1663, and to the Duke of York for New York and New Jersey in 1664 and 1674, it is provided that the land is to be held of the king of England "as of the Manor of East Greenwich in the County of Kent, in free and common soccage and not *in capite* or by knight's service". The question naturally arises whether there is any particular significance in this often repeated expression, and if so, what. Why should the land granted in the New World be held from some manor and not from the crown direct? Why was free and common soccage preferred to knight's service? And why should East Greenwich be chosen rather than any other royal manor as the one from which the colonial lands were in so many cases to be held? For among all the colonial charters the only variations in this respect are those of Maryland in 1632 and Pennsylvania in 1681, where the castle of Windsor in the county of Berks is substituted for the Manor of East Greenwich in the county of Kent, and that of Georgia in 1732, which refers to the honor of Hampton Court in the county of Surrey. The first two of the questions brought up are legal in their nature and have perhaps been sufficiently discussed by others. But the prominence of the Manor of East Greenwich in the formula still suggests the question whether there was anything peculiar about it that made it especially suited to serve the purposes of those who granted or those who received the colonial charters.

East Greenwich is the old name of the modern Greenwich, as distinguished from West Greenwich, the modern Deptford, and lies on the Thames four miles below London Bridge, extending back from the river far enough to include in its boundaries the waste extent of Blackheath. An examination of the customs of the manor does not disclose anything very characteristic or unusual. A careful survey and inquiry was made in 1695. The jurors sworn for this

inquiry, after describing the demesne lands, reported that there were some two hundred and sixty-eight free tenants holding land within the manor, but no copyhold tenants. Each of the freeholders owed suit and service to the manor courts, paid a small annual sum as quit-rent, and ought to pay an additional year's rent by way of relief when his lands changed hands by descent or sale. The tenants also had a right of common pasture on Blackheath. There was nominally a court leet and a court baron, but at the time of the survey neither had been held for a long time. Waifs, estrays, felons' goods, treasure trove and such regalities and profits belonged to the king, as lord of the manor.<sup>1</sup> This is a very narrow and commonplace group of manorial customs and certainly includes nothing specially applicable to vast tracts in distant lands.

The special importance of East Greenwich for the colonies is seen to be still less when it is noted that a great amount of land in England itself was granted from the crown to be held from the same manor, quite apart from the land of the two or three hundred tenants on the manor described in the survey. A memorial to Elizabeth in 1600 says that "Synce the death of king Henrye the Eighth all persons for the most part which have purchased any landes of the king or of her Majestie or els exchanged any landes with her Highness, do acostumably (for the ease of their tenures and services and for that they will avoide to be called by writte for respect of homage) desire to holde their landes in free soccage as of her majesties manor of Estgrenewich, wherebye the number of them that holde of the said manor are at this daie becom infinyte. . . . There are in England dyspersyd through all the partes of this Realme above ten thousand sundrie tenants that holde landes of the said manor. . . . The landes that are holden of Estgrenewich amounte farr above the sum of £30,000 per annum through the Realme of Englande".<sup>2</sup> The number of tenants and value of lands so granted were probably vastly exaggerated in this report, which was from some one seeking the office of steward for the purpose of shearing this large flock in the interest of the queen and himself. Nevertheless, a glance at the actual procedure in the disposal of crown lands shows the general truth of his statement of the custom. Taking a chance example, in May, 1590, Elizabeth's commissioners for the sale of lands sold for the sum of £1857 15s. 3d. to Robert Padow and John Moldsworth a number of pieces of land situated

<sup>1</sup> A Survey of His Majesty's Lordship or Manor of East Greenwich in the County of Kent, printed in full in John Kimbell, *Legacies and Charities of Greenwich*, pp. 183-226.

<sup>2</sup> State Papers, Dom., Eliz., CCLXXVI, 67.

in various counties. A long and detailed description of the lands on the patent roll closes by stating that all these lands are to be held "*de nobis, heredibus nostris et successoribus ut de manerio nostro de Estgrenewich in comitatu nostro de Kent, per fidelitatem tantum, in libero et communi soccagio et non in capite nec per servitium militum*".<sup>1</sup> This is only one of hundreds of deeds that use the same words. It is evident, therefore, that long before there were any grants of colonial lands this formula was in familiar use.

The facts of the case seem to be as follows. As a result of the confiscations of the possessions of the monasteries in the time of Henry VIII. and of other corporations in the reign of Edward VI. the extent of the crown lands was vastly increased. The Court of Augmentations which was formed to take charge of these lands became one of the most important of those half-administrative, half-judicial boards which were so active in the time of the Tudors and early Stuarts, and fifty years after its formation it still had a formidable organization of chancellor, surveyors, attorney, solicitor, etc., and officials in every county.<sup>2</sup> The amount of land at the disposal of the crown was kept up during the remainder of the sixteenth century by the numerous forfeitures for treason of the estates of great nobles.

Under Henry VIII. these lands were given or sold for nominal prices and with the most lavish profusion to personal favorites of the king and others who had court influence, and were generally granted to be held directly from the king for some small fractional part of a knight's fee, such as one-twentieth, one-thirtieth, or one-fortieth. A fair instance of this policy may be found in the grant on March 13, 1545, to Charles, Duke of Suffolk, of some seventy manors and properties in manors, for no purchase price, to be held from the king *in capite*, for one-twentieth of a knight's fee.<sup>3</sup> Yet before the end of Henry's reign there are evidences that a more business-like treatment of crown lands was being introduced. Many grants were made to speculators in land or to *bona fide* purchasers. For these lands a considerable initial payment was made, and although sometimes required to be held *in capite*, they were much more frequently granted in soccage, to be held on condition of some small payment in money or money's worth from some manor belonging to the crown. Different manors are named in the deeds of the latter years of Henry VIII. and the early years of Edward VI. Bardney,

<sup>1</sup> Patent Roll, 32 Eliz., pt. 8, m. 10.

<sup>2</sup> State Papers, Dom., Eliz., CCXXI.

<sup>3</sup> Public Record Office Cal. of Deeds, Henry VII. and Henry VIII., Co. Lincoln, p. 46. See also Patent Rolls of Henry VIII.

Swynshedd, Louth, Shenstone, the honors of Bolingbroke and of Hampton Court, and many others are used more or less frequently, the manor chosen being in many cases located in the neighborhood of the estates conveyed. But about the third year of Edward VI., that is to say, 1550, East Greenwich begins to emerge as the most usually chosen manor, and within three or four years it had practically superseded all others. A grant is occasionally made to be held from some other royal manor, but very infrequently indeed. As the naming of a manor was only a form there was obviously a convenience in using always the same form. It was therefore but natural that the variety of manors named in the earlier grants should soon give way to some one regularly chosen. Lands continued also to be granted from time to time *in capite*, for a nominal amount of knight's service, but these instances also became less and less usual. In the vast proportion of cases after the year 1554 the formula "to be held in free and common soccage as of the manor of East Greenwich in the county of Kent", expressed either in Latin or in English, had become as well established as any of the other legal forms in royal charters.<sup>1</sup>

Even the lands which Queen Mary restored to religious bodies were to be held on this tenure, and in Elizabeth's ordinary grants there seem to have been very few exceptions to it. It is true that occasionally estates were given away by her, as by her predecessors and successors, to royal favorites, but it was for the most part the financial needs of the crown that led to the successive sales of crown lands. These were therefore made purely on business principles, in such a way as to obtain for them the most ready money possible. To take again a chance instance, in November, 1589, Elizabeth instructed the lord chancellor, lord treasurer, and various other commissioners to sell for the "expenses of the defense of the realme" crown lands to the value of £1000 a year, giving minute instructions as to what lands were and were not to be sold, and as to the terms of sale.<sup>2</sup> Purchasers were urged on patriotic grounds to pay a good price for the land, but at the same time every other inducement was given them to buy, and a well established form of tenure, without feudal burdens, from a definite and customary source, was no slight advantage, and may well have helped to perpetuate the custom.

Thus it appears that the formula "to be held from East Greenwich etc.", had been in use for fifty years and more before the first grants of King James to the colonies, and a further examination of

<sup>1</sup> Pub. Rec. Off. Cal. of Deeds, Edw. VI., Mary, and Elizabeth, Counties of Lincoln, Nottingham, Oxford, and Essex.

<sup>2</sup> State Pap. Dom., Eliz., CCXXVIII, 3.

the records shows that it was being used in his time for crown grants in England as well as in America.<sup>1</sup>

There is no means of discovering with certainty the reason for the choice of East Greenwich by the commissioners for the sale of lands or the officers who drew up grants in the early years of Edward VI. No order of the Court of Augmentations or of any other authority has been found giving definite instructions on the point. But there can be little doubt that Greenwich was settled upon because it was the most usual dwelling-place of the king at that time. Where the king was the court was, and necessarily therefore the officials who had charge of the sale of lands. It might be anticipated that Westminster should have chosen, as it also was an occasional residence of the king, and the permanent location of the law-courts and of a considerable body of clerks; but apart from the less frequent stay of the court there, Westminster was not a manor, and therefore was not available.

The Tudor sovereigns were all partial to Greenwich. Lands and an ancient dwelling there had belonged to the crown at least from the early fifteenth century. Henry VII. rebuilt and extended the palace and spent much of his time there. Even in the most active years of his life he was apt to spend Sunday and almost certain to keep Christmas at Greenwich and here his two younger children, Henry and Mary, were born. Henry VIII. improved the palace and rounded out the grounds by acquiring land by exchange from the abbots of Shene and Westminster. He also bought lands in the vicinity and made a neighborly gift of them to Anne Boleyn when she was created Marchioness of Pembroke. Here he, like his father, spent much of his time, and especially seasons of festivity. The music, the shows, the jousts, the banquets, and all the semi-barbaric magnificence that characterized the court of the later Tudors grew up pre-eminently about the palace of Greenwich. It was connected equally closely with Henry's domestic life. It was here that he was married to Catherine in 1509; here that Anne Boleyn lived by preference both before and during her short life as queen, here that Mary and Elizabeth were born and baptized, and it was here that Henry brought his fourth wife, Anne of Cleves, to spend her few weeks of married life. Chapters of the Order of the Garter, the visits of the Emperor Charles V. and afterwards of King Christian of Denmark, receptions of formal embassies, and important meetings of the privy council, intermingled with wed-

<sup>1</sup> Pub. Rec. Off. Cal. of Deeds, Vol. 28.

dings, mayings, tourneys, and masks gave it a political as well as a domestic and festive character as a royal court.<sup>1</sup>

The reign of Edward VI. was no exception to this family predilection for Greenwich. The court of the young king was established there promptly after the organization of the Protectorate, and although he was often at his other palaces, especially Westminster, it was at Greenwich that most of his short reign was spent. In 1552 he was there for his last Christmas, and there in the succeeding July he died. During the years 1550 and 1551, in which the custom of making land-grants to be held of the manor of East Greenwich was becoming established, the king and court were there more than at all other royal dwelling-places together.<sup>2</sup> Mary followed the same custom, and during the long reign of Elizabeth this was still the most favored of all the palaces and royal seats. However frequently she might visit Somerset House or Hampton Court or Oatlands or Richmond or Windsor, or however extended might be the "progresses," during which she was the guest successively of various noblemen, gentlemen, towns and colleges, she always returned to Greenwich. From the palace windows there she watched successive expeditions of discovery or enterprise float down the Thames and greeted a few successfully returning. Here more than one traveller from the Continent noted the magnificence and ceremony of her court, and more than one suitor and ambassador tried his skill against her astuteness and tergiversation.

James I. preferred other royal dwellings, and with his accession Greenwich, like much more that belonged to the sixteenth century, passed under a cloud. But this was no longer important from the point of view of the form of crown grants. Both at the time of the creation of the custom and during the period when it was becoming fixed, Greenwich was in every way the most natural place to be chosen as a source of tenure, and by the time of the Stuarts the custom had obtained the same rigidity as other legal formulas. Its use in the charters given to the colonies by James and his successors is thus quite explicable. But after all it had little if any real significance for the colonies. It was simply an adaptation to land beyond the sea of a form originally used in the grant of crown lands in England. Its use may be taken to represent the closeness of legal connection between the colony and the home government,—that America was, in the view of the king, simply an extension of the soil of England. Actual conditions and the logic of events brought about a very different relation between the colonies and the mother

<sup>1</sup> Hasted, *History of Kent*, I. 57-61.

<sup>2</sup> *Acts of the Privy Council*, n. s., II. 424-433; III. 3-55, 181-460.

country from that which was anticipated in the forms used in the royal grants of land. Apart from such vague suggestions as these the result of inquiry into the meaning and significance of the familiar expression of the charters is negative rather than positive. East Greenwich was no different from any other manor; its customs were not peculiar, its tenure was not especially significant, its mention in the colonial charters did not bring the colonies into any relationship with it. So far as the colonial charters are concerned, East Greenwich was merely an empty name.

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